

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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CONCIERGE AUCTIONS, LLC

Petitioner,

ORDER

- against -

23 Civ. 6891 (NRB)

HOWARD APPEL and DAVID COHEN,

Respondents.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS, on August 4, 2023, Concierge Auctions, LLC ("petitioner") filed a petition in this Court against Howard Appel and David Cohen ("respondents") to confirm, in part, and vacate, in part, an arbitration award issued in an arbitration between petitioner and respondents before the American Arbitration Association, (ECF No. 1);

WHEREAS, the arbitration between the parties was compelled by an action in the United States District Court for the Southern District of California which remained stayed, see Howard Appel et al. v. Concierge Auctions, LLC et al., Case No. 17 Civ. 02263 (BAD) (MDD) (April 13, 2018, S.D.CA) (the "California Action");

WHEREAS, a review of the docket of the California Action reflects that on October 3, 2023, respondents in this action moved to vacate, in part, the same arbitration award at issue here in the California Action;

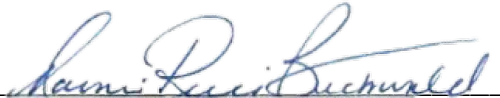
WHEREAS, on October 27, 2023, respondents moved to dismiss the petition or, in the alternative, transfer this action to the Southern District of California, (ECF No. 15);

WHEREAS, on June 1, 2024, petitioner informed this Court that it seeks to withdraw its petition without prejudice after an order was issued in the California Action which (1) lifted the stay in that action; (2) denied respondents' request to vacate the arbitration award; and (3) directed petitioner to file a motion to confirm the arbitration award in that action, (ECF No. 24);

WHEREAS, a review of the docket of the California Action demonstrates that on June 3, 2024, petitioner filed a motion to confirm the arbitration award in that case; it is hereby

ORDERED that this petition is dismissed without prejudice. The Clerk of Court is respectfully ordered to terminate the pending motions at ECF Nos. 13 and 15 and close the case.

Dated: June 10, 2024
New York, New York



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE